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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,805	09/16/2003	Shinichi Handa	DAIN : 753	1118
25944	7590	08/08/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			SANTIAGO, MARICELI	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/662,805

Applicant(s)

HANDA ET AL.

Examiner

Mariceli Santiago

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 6-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/04, 6/04, 9/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The Amendment, filed on June 3, 2005, has been entered and acknowledged by the Examiner.

Claims 1-18 are pending in the instant application.

Election/Restrictions

Claims 6-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant's election with traverse of claims 1-5 and 18 in the reply filed on June 3, 2005 is acknowledged. The traversal is on the ground(s) that "the subject matter of all claims 1-18 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden".

This is not found persuasive because although the inventions of Group I and II are related, they are patentably distinct and have acquired separate status in the art as shown by their separate classification, their recognized divergent subject matter, and the different searches required for the inventions. Moreover, even if the Applicant does not consider the examination a burden, the election-restriction is based on the two different inventions, namely, the device and the process for manufacturing. Thus, the serious burden on the Examiner of having to search all the features or limitations directed to different inventions and to reject each invention using different references is eliminated by the proper election of invention requirement.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Tang (US 5,482,896).

Regarding claim 1, Tang discloses a method of manufacturing a light emitting display panel including a laminated structure formed by laminating at least a flexible base layer (101), a first electrode layer (104), an EL layer (206), a second electrode layer (207) and a flexible sealing layer (208) in that order, wherein the flexible base layer is provisionally attached to a rigid flat plate (102), and thereafter supplied to a main manufacturing step of the light emitting display panel (Fig. 7). Although Tang does not explicitly state that the base layer and the sealing layer are flexible, Tang exemplifies an ultra thin laminate comprising plastic material as a base layer and an indium-film sealing layer, thus it is considered within Tang's teaching the disclosure of a flexible base layer and protective layer, due to their material and thickness in relation to the provisional rigid plate (102) and/or the permanent rigid substrate (110) disclosed.

Regarding claim 2, Tang discloses a method wherein the EL layer is formed on the flexible substrate (208) which has been already provisionally attached to the rigid flat plate (102).

Regarding claim 3, Tang discloses a method wherein a provisional attachment of the flexible base layer to the rigid flat plate and a detachment of the flexible base layer from the rigid flat plate are carried out once or more in the course of manufacturing the light emitting display panel (Figs. 1 and 10).

Art Unit: 2879

Regarding claim 4, Tang discloses a method wherein the flexible base layer is provisionally attached to the rigid flat plate by one or more means selected from a detachable sealing attachment, a bond attachment and an adhesive attachment (103, Fig. 1).

Regarding claim 5, Tang discloses a method wherein the rigid flat plate is a glass substrate (Column 3, lines 37-39).

Regarding claim 18, Tang discloses a method wherein the laminated structure has an insulating layer (205) that insulates the first electrode layer (104) and the second electrode layer (207) from each other, and the insulating layer is formed in a predetermined pattern.

Other Prior Art Cited

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Contact Information

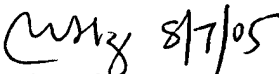
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariceli Santiago whose telephone number is (571) 272-2464. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system,

Art Unit: 2879

see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Mariceli Santiago
Primary Examiner
Art Unit 2879